SEABURY WINS RIGHT TO FEDERAL DATA

Gets Grand Jury Minutes in Pols Bankruptcy Case as a Step in Investigation of Crain.

FIGHT FOR COUNTY RECORDS

Clark Urges Public Interest in Brief Opposing Untermyer's Attempt to Withhold Them.

Samuel Seabury obtained access to Federal grand jury minutes in his investigation of District Attorney Crain yesterday while he was still fighting in the county courts for minutes of a General Sessions grand jury.

Federal Judge Alfred C. Coxe granted permission to Mr. Seabury, on application of United States Attorney George Z. Medalie and Mr. Seabury's counsel, John Kirkland Clark, to obtain a transcript of the October, 1929, Federal grand jury minutes in the case of Abraham A. Pols, indicted on a charge of concealing assets in bankruptcy.

Pols, former head of Henry Pols, Inc., once accused of selling inferior beef to city hospitals, pleaded guilty to having concealed $250,000 of the assets of his company and was sentenced to fifteen months in the Federal penitentiary at Atlanta.

Before Referee Seaman Miller he testified that he had lent $2,000 to City Marshal Solomon Peyser, who later had given him a check in payment, also $350 to Joseph Frank, an inspector of the Department of Markets; $325 to John Dorsa, another city department inspector; $250 to Edward J. Burke, steward of New York City Children's Hospital, and that he had cashed for Charles Cartwright, an employe of the Veterans' Bureau, a check for $127 that later proved to be worthless. Pols said he believed that the Dorsa and Burke loans had been repaid.

Pols disappeared from his home, 227 Haven Avenue, on July 25, 1929, and surrendered on Nov. 20 of that year to the Federal authorities. He also had been indicted by a New York County grand jury on a charge of forgery.

Say Crain Got the Minutes.

In his application for a transcript of the minutes Mr. Clark said a copy of the minutes had been sent to District Attorney Crain at the time, and that Mr. Seabury desired the minutes in connection with his investigation of Mr. Crain's office.

Briefs were filed by Mr. Clark and by Samuel Untermyer, who is representing Mr. Crain, with General Sessions Judge Charles C. Nott Jr., yesterday afternoon in connection with the motion made by Mr. Seabury for permission to obtain a transcript of the minutes of September, 1930, General Sessions grand jury that investigated food racketeering. Judge Nott reserved decision on Monday when the motion was argued and gave both sides until 4 P. M. yesterday to file briefs.

Mr. Clark found time to prepare and file his brief although he was busy during the day examining several new witnesses preliminary to the public hearings in the Crain investigation on April 8.

Replies to Crain Contention.

In his brief Mr. Clark replied to Mr. Crain's main objection to the motion as follows:

"The contention that the commissioner is disqualified for interest or bias is not only unfounded in fact but presents no question relevant to the present application. The selection of a commissioner to investigate and report to the Governor with respect to charges against a public officer is a matter exclusively for the Governor and in his choice he is not subject to supervision or correction by the courts.

"There is no merit in the contention that the court has no jurisdiction to grant the motion. The court has jurisdiction to direct furnishing of a copy of the minutes of a hearing before the grand jury. The only limitation upon the exercise of this jurisdiction is one created by the courts themselves in holding that the power should not be exercised where the exercise thereof will be against public interest. In the present case the public interest requires the jurisdiction be exercised.

"The third ground of opposition to the motion is that the application should be denied in the exercise of discretion. The answering affidavit contains no facts to justify that contention. The only ground upon which it is asserted the motion should be denied in the exercise of discretion is the claim that the commissioner is disqualified."

Untermyer Attacks Move.

On behalf of Mr. Crain, Mr. Untermyer and Siegfried Hartman filed one brief, and Mr. Crain filed a memorandum on his own behalf.

Mr. Untermyer charged that Mr. Seabury was seeking access to the grand jury minutes for the purpose of the investigation in private, although the public officers law provides that no information gathered at a private investigation may furnish the basis of any report to the Governor. He further contended that the application was wholly defective in substance in that it stated no ground for granting the order, and asserted that the minutes were wanted in connection with a "fishing expedition."

The brief repeated the charge that the commissioner was prejudiced and that it would be contrary to public interest to grant the order, adding:

"It requires no argument to demonstrate the repugnance of combining in any one person the functions of accuser, witness and judge, yet by the undisputed facts that is precisely the situation here."

Mr. Crain's affidavit advanced the contention that no case had been found in which such inspection (of grand jury minutes) has ever been permitted except by the defendant charged in the indictment and to enable him to apply to dismiss the indictment."

ROOSEVELT GOING SOUTH.

Governor Will Depart for His Spring Vacation on May 1.

Special to The New York Times.

ALBANY, March 31.—Governor Roosevelt announced today that he would start on the evening of May 1 for Warm Springs, Ga., for his annual Spring vacation. He expects to remain in the South for at least two weeks and possibly a month if State business permits. He has decided to dispose of all thirty-day bills within three weeks after the Legislature adjourns the latter part of next week.

The Governor will go to New York on April 30 where he will turn the first sod for starting work on the new Thirty-eighth Street midtown tunnel. On the following day he will dedicate the Empire State Building, in which former Governor Smith is interested.

Walker Leaves Palm Springs 'Physically Fit'; Due Here 3 A. M. Sunday to Avoid Reception

Special to The New York Times.

PALM SPRINGS, Cal., March 31.—Tanned by the desert sun and "ready to go back feeling physically fit again," Mayor James J. Walker waved his ten-gallon sombrero in farewell to this resort at 2:30 o'clock this afternoon from the rear platform of the private car on which he departed for New York. He is scheduled to arrive home at 3 A. M. Sunday.

"I want to avoid any formal reception when I get home," the Mayor said, "and it's a cinch none of my friends there will be up at 3 o'clock in the morning."

To the 500 residents from Palm Springs and near by, who gathered around the private car of A. C. Blumenthal, which the Mayor is using, Mr. Walker said he had had "the vacation of my lifetime," and would return in the not very distant future.

At the final press conference on the front porch of the Samuel Untermyer residence, which has been the Mayor's home since he came here seventeen days ago, Mr. Walker waved aside all political discussion. As to his vacation, he said:

"I certainly have a warm spot in my heart for Palm Springs. I came here seventeen days ago a sick man and I am now ready to go back to New York feeling physically fit again. I never have met such hospitable people, with everything in the world done to make my visit here a genuine rest."

While packing up for his trip the Mayor said he had found the missing ten-gallon hat that was presented to him when he arrived here. He said he had thought a souvenir hunter had taken it.

One of those who arrived to bid the Mayor good-bye was Wilbur Morse Jr., a Hollywood writer, on whose car was a sign saying, "Hollywood wants Will Rogers for President." Mr. Walker said Rogers "would be one candidate at least whose acts would be known before he was elected," adding that "I think Will ought to be elected by a unanimous vote."

From various well-wishers the Mayor received gifts of dates, flowers and fruit. Mr. and Mrs. Blumenthal accompanied him.

HALLERAN DEFENDS HIS REALTY HOLDING

Asserts Property on Northern Boulevard Has Been in Family Since the Civil War.

POINTS TO AGE OF PROJECT

Replying to Allen's Charge, Queens Official Says It Was Begun Long Before His Appointment.

John J. Halleran, Commissioner of Public Works in Queens, replied last night to the statement made at a public meeting in Brooklyn on Monday by William H. Allen; that Halleran controlled a large part of the property which the city intends to condemn for the widening of Northern Boulevard, Queens, and that "he and his friends stand to make about $12,000,000 on it during the next few years."

Mr. Halleran admitted that he, his brothers and his sisters owned a large part of the property, but explained that instead of having acquired it since the boulevard improvement was projected to provide outlets and approaches for the traffic flow from the proposed triborough bridge and midtown tunnel, it had been in their family since the Civil War.

"The fact that the improvement was consummated during my régime has no particular significance," he added. "It would have been completed no matter who was Public Works Commissioner."

Mr. Allen, head of the Institute of Public Service, recently filed charges against Mayor Walker and more recently sent to Governor Roosevelt a set of charges against Controller Berry, whom he accuses of misuse and non-use of the powers granted to him under the city charter. He told the meeting on Monday that Commission Halleran not only owned the property but was instrumental, in his official capacity, in having the boulevard project put through.

In his answer Mr. Halleran, who was appointed during the first Harvey administration, Jan. 1, 1929, pointed out that proceedings for widening the boulevard between Main Street and Flushing Creek were started in 1911, and that the final map was not adopted until Jan. 10, 1929. A series of amendments to the maps then followed and the Supreme Court has yet to decide on the condemnation awards.

"There are no outsiders concerned with the ownership of this property," Mr. Halleran asserted. "It is held by the members of the Halleran family. It may be correct, as Mr. Allen said, that we own 42 per cent of the property, or it may be 52 per cent, more or less."

He then told the history of the property:

"The ownership has been in the Halleran family since the Civil War, and none of it has been acquired less than ten years back," he said. "The question of widening Northern Boulevard has been going on for a great number of years, probably having been started as far back as twenty-five years ago."

Mr. Halleran traced some of the early plans for widening the boulevard. In several instances the plans called for taking property on the north side, in others for property from the south side. The Hallerans own parcels on both sides.

"After automobiles became more numerous, it was decided that a widening of 150 feet was necessary for this highway, and during the administration of Borough President Connolly, upon recommendation of the Flushing United Association, a map was prepared, laying down the lines of Northern Boulevard, from Main Street to the river, with a width of 150 feet, and it was presented to the Board of Estimate and Apportionment on Aug. 5, 1926, and a hearing was held on May 26, 1927, and because of local opposition to the method of assessment on Oct. 13, 1927, the map was referred back to the Borough President of Queens, then Maurice E. Connolly.

"During the administration of Borough President Bernard M. Patten the matter was slightly revised and forwarded to the Board of Estimate and Apportionment for approval, and on June 14, 1928, it was referred to the chief engineer of the board for report. Hearings were held before the board and a committee on city plans, and finally, on Jan. 10, 1929, the map was adopted. On June 13, 1929, the board authorized the proceedings for acquiring title between Main Street and the Flushing River at the width of 150 feet. Later, upon the advice of the Commissioner of Plant and Structures, who said a greater width was needed because of the bridge approach over the Flushing River, a new map was submitted, giving this street a width of about 175 feet. This map was adopted on May 23 1930, and the proceeding was amended June 6, 1930."

SEABURY AIDE IN WILL ROW.

J. K. Clark Sued on Refusal to Deliver Roache Document.

Supreme Court Justice Ford reserved decision yesterday in a suit by Mrs. Louise Roache Burbank to recover possession of the will of her mother, Mrs. Emma L. Roache of 825 Fifth Avenue, from John Kirkland Clark, who has been counsel for Mrs. Roache and is counsel to Commissioner Samuel Seabury in his investigation into charges against District Attorney Crain.

Mrs. Burbank, estranged wife of Walter Channing Burbank, banker, asserted that her attorney, Milton Seymour Cohn, had asked Mr. Clark for the will and that Mr. Clark had refused it. Mr. Cohn declared that the will was executed in 1927 at the instigation of Mrs. Roache's husband and a grandson, Channing Roache, both of whom were named as chief legatees.

Mr. Cohn said Mr. Clark told him a later will made by Mrs. Roache was invalid because she was legally incompetent when she signed it. Mr. Clark replied that Mrs. Roache had directed him not to deliver her first will to any one but herself and to ignore any letters she might write asking for it. Mr. Clark contended he had a right to retain possession of the first will until Mrs. Roache demanded it personally.

BASTRESS INDICTED ON BRIBERY CHARGE

Cahalan Also Is Said to Have Been Named as 'Go-Between' in Building Permit Case.

EX-OFFICIAL IS ARRAIGNED

Former Brady Aide Expected to Plead Not Guilty to Taking $1,500 From Yonkers Alderman.

An indictment charging bribery in accepting a $1,500 gratuity as a public official was handed up in General Sessions yesterday against Rollin C. Bastress, until recently chief inspector of the Bureau of Buildings for Manhattan. The money was alleged to have been paid in July, 1927, by Walter G. Jones, a contractor and Republican Alderman in Yonkers, to speed official acceptance of plans for a penthouse atop the building at 280 Madison Avenue.

John I. Cahalan of 323 West Eighty-second Street, a construction superintendent for Bing & Bing, contractors, at 119 West Fortieth Street, was reported to have been charged in another indictment with acting as a "go-between" in the transaction.

Bastress, soon after the handing up of the two indictments, was arraigned before Judge Nott of General Sessions in chambers and was released in $5,000 bail pending formal pleading today.

It was reported that Harold W. Hastings, Assistant District Attorney, who presented the evidence against the two men to the grand jury, was notified late yesterday afternoon that Cahalan's lawyer, Aaron William Levy of 225 Broadway, would have Cahalan in General Sessions for pleading at 10 o'clock this morning.

Bastress, following the indictment, was discharged by Magistrate Gottlieb in the Tombs Court on the tentative bribery complaint lodged against him last Friday, following Bastress's summary arrest the night before in his home in Jamaica, Queens.

He was accompanied to Judge Nott's chambers by his lawyer, Ferdinand Pecora, former Chief Assistant District Attorney, who intimated that a not-guilty plea would be entered for his client today and that Bastress would stand trial.

Bastress, who had been an attaché of the Building Bureau for more than nineteen years, resigned about two weeks ago while James A. Higgins, Commissioner of Accounts, was investigating the bureau. Two days before the arrest of Bastress, Charles Brady, superintendent of the Building Bureau and to whom Bastress was chief aide, sent his own resignation to Borough President Levy.

It was reported that Bastress had admitted that he accepted the money after it had been placed in an envelope in a drawer in his desk in the Municipal Building.

Jones, in a statement issued last Monday, said that he had made unsuccessful efforts to obtain a permit from the Building Bureau for the construction of the penthouse, and that he sought the assistance of an intermediary, who was acquainted with Bastress, to have the permit granted. He did not name the intermediary.

Bastress, he added, made some alterations in the plans, endorsed them and ordered the permit granted. Jones said that when he first enlisted the aid of the intermediary, he agreed to pay him $1,500 for his services.

Jones and Cahalan were among seven witnesses who testified under waivers of immunity at the opening of the grand jury investigation.

COMMUNITY TRUST GROWS.

Acquisition of Six Funds Brings Total Here to $8,700,000.

The resources of the New York Community Trust have been increased by $111,286 through the recent acquisition of six additional funds, it was announced yesterday at a luncheon meeting of the distribution committee at the Bankers Club. Thomas Williams, chairman, said the resources of the trust totaled about $8,700,000, and that during the past eleven months the Community Trust had appropriated $178,364.80 under the supervision of the committee.

A resolution was adopted in memory of Clarence H. Kelsey, who had long been identified with the organization.

INQUIRY COMMITTEE TO BE NAMED AT ONCE

Continued from Page One.

Kirkland Clark, his counsel in the investigation of the City Club's charges against District Attorney Crain, will prepare for a public hearing next Wednesday on Mr. Crain's alleged inadequacy as a prosecutor of food racketeers.

While awaiting a ruling of Judge Nott of General Sessions on Mr. Seabury's right to inspect minutes of the county grand jury which investigated racketeers, Mr. Clark obtained from Federal Judge Coxe, with the approval of United States Attorney Medalie, a transcript of the minutes of the Federal grand jury which indicted Abraham S. Pols, bankrupt butcher and provision merchant who was sentenced to Atlanta Penitentiary for concealment of assets.

Bribery Evidence Studied.

Evidence indicating that Pols bribed several inspectors of the Department of Markets and employes of city hospitals to enable him to dispose of inferior beef was uncovered at the time by Charles H. Tuttle, then United States Attorney. Mr. Tuttle obtained a court order later to submit the evidence to Mr. Crain. One of the objects of Mr. Seabury's investigation, it appeared, would be to learn why no indictments were found against the accused officials.

Successful in his move in United States court, Mr. Clark submitted a brief to Judge Nott taking issue with all three points raised by Samuel Untermyer, Mr. Crain's counsel in opposing the delivery of the county grand jury's minutes to Mr. Seabury. Mr. Clark brushed aside Mr. Untermyer's contention that Mr. Seabury is "biased" and therefore "disqualified" to act as commissioner as "irrelevant." The argument that the court lacked jurisdiction to act was without merit, he said, and declared that if it were a matter of discretion with the court it should grant the motion and not deny it, as Mr. Untermyer held.

The report that the legislative investigators might begin to function soon and Mayor Walker's departure from California had the effect of hastening Tammany Hall's housecleaning from within and its preparations for preparing its defense.

Rollin C. Bastress, former chief plan inspector of the Bureau of Buildings, who resigned a few days before Charles Brady, head of the bureau, was indicted for bribery.

John J. Cahalan, a builder, was reported to have been indicted with him. Bastress, who will plead to the indictment today, was held in $5,000 bail by Judge Nott. They were indicted in connection with a $1,500 bribe which Bastress is said to have admitted receiving while considering plans for a penthouse submitted by Walter G. Jones, a Yonkers Alderman and Republican ward leader.

Higgins Speeds Eleven Inquiries.

Commissioner of Accounts Higgins, who uncovered evidence of the alleged bribe while investigating the Bureau of Buildings at Mayor Walker's direction, said he had submitted no further evidence of criminality to the District Attorney's office, although he would not say there would not be other instances later. He is gathering data on eleven separate inquiries he has conducted and expects to report to Mayor Walker immediately upon the latter's return upon the progress he has made in the Mayor's absence.

Reorganization moves are expected to follow in the Board of Standards and Appeals, the Department of Markets and other bureaus of the City Government which have been under the scrutiny of Commissioner Higgins. Tenement House Commissioner Deegan, who shook up his department on his own initiative, transferring fifty-four inspectors from Manhattan to Brooklyn and from Brooklyn to Manhattan gave the members of his Bronx and Queens staffs a lecture on honesty and duty and warned them that new shake-ups would follow any laxity.

The charges filed against Controller Charles Berry by Dr. William H. Allen, director of the Institute for Public Service, were taken lightly in Tammany circles. Despite the Controller's letter to Governor Roosevelt demanding immediate consideration, it was believed the Governor would dismiss them without more ado. This view was shared in Albany by persons close to the Governor, who refused to make public Dr. Allen's latest allegations.

Dr. Allen likewise declined to disclose the text of his complaint against Controller Berry pending action by the Governor. He admitted, however, that some of the more than forty specifications under the five general charges he preferred dealt with Controller Berry's purchase of bonds.

"I am not accusing Mr. Berry of being entirely inefficient," Dr. Allen said. "Nor have I any quarrel with Mr. Berry's personality. I only say that he could be more efficient. The key to what we call efficient government is the Controller's office, and Mr. Berry has missed many opportunities to use that office for increased efficiency. The only way for the people to achieve really efficient government is to cling tenaciously to what efficiency they have and strongly demand more."

John J. Halleran, Queens Commissioner of Public Works, who, according to Dr. Allen in a recent speech, was the chief owner of land which is the subject of condemnation proceedings in connection with the proposed widening of Northern Boulevard, said the property had been in his family since just after the Civil War. Although the Board of Estimate approved plans for the widening of the boulevard soon after Commissioner Halleran was appointed to office by Borough President Harvey, the commissioner said the board's action was without significance.

New Mass Meeting Planned.

The City Affairs Committee, gratified at the success of the mass meeting at Carnegie Hall Monday night, which brought the committee 100 new members and $1,600 in subscriptions, is planning another large meeting in Queens. In addition, a series of meetings in various churches throughout the city in cooperation with various civic groups is being planned, and next Saturday at a luncheon of the League for Industrial Democracy at the Hotel Woodstock the topic of civic corruption will be discussed and the speeches will be broadcast from WEAF. Former Justice Daniel F. Cohalan, prominent attorney, former Supreme Court Justice, and said to be one of the members of the Tammany "board of strategy" picked to defend the City Administration, will present one phase of the question. The City Affairs Committee will be represented by Paul Blanshard, executive director. Norman Thomas, Socialist leader, and executive director of the League for Industrial Democracy, will be another speaker. Professor Reinhold Neibuhr of the Union Theological Seminary will preside.

Next Sunday two church meetings will take place in Brooklyn, at which speakers representing the City Affairs Committee will discuss civic corruption. One of the meetings will be held at the Fourth Unitarian Church at 3 P. M. and the other will be in the Grace Methodist Church at 7 P. M.

Maurice P. Davidson, chairman of the subcommittee of lawyers of the Committee of One Thousand, said yesterday that lawyers in other boroughs than Manhattan were being organized to investigate complaints of graft and racketeering being received by the committee.

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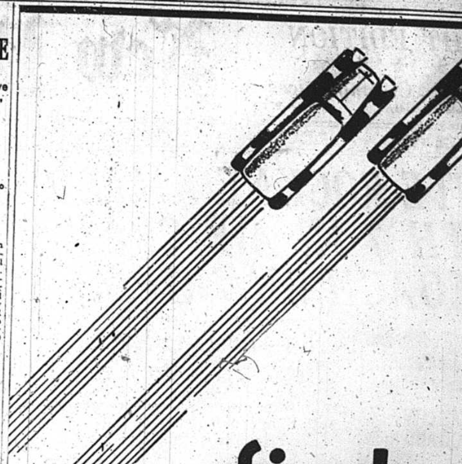

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OAKLAND MOTOR CAR COMPANY
N. Y. Retail Store: 1777 Broadway
Bronx Branch: Grand Concourse at 187th St.
L. I. City Branch: Northern Blvd., at 35th St.

QUAIN-KURT, Inc. (Bklyn.)
1410 Bedford Avenue
1205 Flatbush Avenue, Flatbush.

MANHATTAN-BRONX
Manhattan Auto Exchange, 4720-26 Broadway.
Apuzzo-Baurley Motor Sales, Inc., 2712 E. Tremont Avenue, 811 Southern Boulevard.
Gallagher Garage Co., Inc., 5879 Broadway, at 240th [illegible]

BROOKLYN
Quain-Kurt, Inc., 6720 Fifth Avenue, Bay Ridge.
Burgess-Whipple Motor Co., Bushwick Avenue at Decatur St.
Mutual Motor Repair Co., 600 Manhattan Ave., Greenpoint.
Lowell Motors, 1864 86th Street.
Kesselman Motors, Inc., 344-46 Roebling Street.

QUEENS
Corona—Charles J. Brust.
Flushing—Acorn Auto Sales, Inc.
Hollis—Breitfeller's Sales & Service.
Jamaica—Queens Vehicle Corp., [illegible]153-12 Hillside Avenue.
Queens Village—Breitfeller's Sales & Service.
Richmond Hill—George F. Martyn, Inc., 109-21 Liberty Ave.
[illegible]field—Higgins, Inc.
Woodhaven—George F. Martyn, Inc., [illegible] Jamaica Ave.

RICHMOND
West New Brighton—Drinnan Garage Co., Inc.
[illegible]ville—Butler's Garage.
Great Kills—South Shore Midway Garage.
Stapleton—Ingram Motors.

CONNECTICUT
Bridgeport—Fish Motor Sales, Inc.
Danbury—The Adams-Hunt Motors Co.
Norwalk—James G. Cunningham.
Stamford—Bennett & Stevens, Inc.

WESTCHESTER
Elmsford—Elmsford Auto Sales.
Hawthorne—Myers Motors.
Katonah—Katonah Motor Sales.
Mt. Vernon—J. P. Beckerle.
New Rochelle—Simpson Williams.
Ossining—Acker Motor Car Co.
Pelham—Amato Garage, Inc.
Tarrytown—Tarrytown Automobile Corp.
Tuckahoe—McAndrews Sales.
White Plains—Hargrave & Schiebel, Inc.

NASSAU COUNTY
Cedarhurst—Newton Oakland Motor Sales Co.
Central Park—Anchor Garage.
Freeport—Bender Motor Corp.
Glen Cove—W. J. Paddison.
Great Neck—Bryant & Harmon.
Mineola—Wass & Henry, Inc.
Patchogue—Perfection Sales Co.